

FRANKIE MONEGRO,

SOUTHERN DISTRICT OF NEW YORK

FRANKIE MONEGRO,

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Plaintiff,

-V-

OLIPOP, INC.,

Defendant.

21 Civ. 06078 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

JOHN P. CRONAN, United States District Judge:

Plaintiff Frankie Monegro filed the Complaint in this action on July 15, 2021. (Dkt. 1.) Defendant Olipop, Inc was served with the Complaint on July 28, 2021, making its answer due by August 18, 2021. (Dkt. 5.) To date, the Defendant has not appeared in this action nor answered the Complaint.

It is hereby ORDERED that no later than October 8, 2021, Plaintiff shall move for default judgment as to Defendants, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve its motion for default judgment and supporting paperwork on Defendants by two business days after its filing, and must file an Affidavit of Service on ECF by two business days after service. Defendants shall file any opposition to the motion for default judgment no later than October 22, 2021. Plaintiff shall file any reply no later than October 29, 2021. Plaintiff shall obtain a certificate of default before moving for default judgment.

It is further ORDERED that Defendants appear and show cause at a hearing before this Court on November 17, 2021, at 10:30 a.m., why an order should not be issued granting a default

judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with the Summons and Complaint and this Order; why Plaintiffs' counsel is confident that Defendants have been served with those documents and have notice of the hearing; and the method for calculating damages. In the event that Defendants appear in this case and oppose the motion for default judgment prior to the scheduled court appearance on November 17, 2021, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

It is further ORDERED that Plaintiff serve Defendant via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: September 9, 2021
New York, New York



JOHN P. CRONAN
United States District Judge